

Court of Appeals, State of Michigan

ORDER

People of MI v Robert Edward Johnson Jr

Docket No. 284957

LC No. 07-009463-FC

Michael J. Talbot
Presiding Judge

Helene N. White

Brian K. Zahra
Judges

In lieu of granting leave to appeal, the Court, pursuant to MCR 7.205(D)(2), VACATES defendant-appellant's sentence and REMANDS for resentencing in accordance with MCL 769.9(2). The sentence to a minimum term of six years and a maximum term of life violates the prohibition against imposing a sentence "in which the maximum penalty is life imprisonment with a minimum for a term of years included in the same sentence." MCL 769.9(2); *People v Boswell*, 95 Mich App 405; 291 NW2d 57 (1980). The Court does not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 19 2008

Date

Sandra Schultz Mengel
Chief Clerk